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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

28 David Murphy,
29 Petitioner
30 v.
31 Calvin Johnson, et al.,
32 Respondents

Case No. 2:21-cv-00092-CDS-DJA

**Order Granting Unopposed
Motion to Extend the Time for
Filing the Opposition to the
Motion to Dismiss (Fourth
Request)**

[ECF No. 55]

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35 Petitioner David Murphy respectfully requests an extension of time of 45
36 days, from January 16, 2024 to March 1, 2024, in which to file an opposition to the
37 motion to dismiss.

ARGUMENT

Counsel respectfully suggests additional time remains necessary to properly prepare the opposition to the motion to dismiss. Since the last extension request, undersigned counsel has completed a draft of the opposition. However, additional time is necessary to finalize it. As the prior extension requests mentioned, undersigned counsel came on to this case after the petition was filed. Undersigned counsel was under the impression that certain investigation related to equitable tolling had been completed. However, it turns out that additional investigation must be completed to address the State's timeliness argument fully. To that end, undersigned counsel has an in-person meeting scheduled with Mr. Murphy on January 16, 2024, at High Desert State Prison and is in the process of collecting additional information to support the opposition.

Undersigned counsel's obligations have also made it difficult to complete this opposition by the current deadline. On December 13, 2023, undersigned counsel appeared before the Pardons Board in Carson City, Nevada, for a client who was serving multiple sentences of life without the possibility of parole. Over the past month, undersigned counsel has also been significantly engaged in preparing to file a § 2255 petition with a February 2024 AEDPA deadline for an out-of-district Arizona case. Undersigned counsel also taught a non-capital habeas CLE at the Federal Defender's Office on January 10, 2024. Moreover, on January 11, 2024, undersigned counsel had an oral argument in Reno, Nevada, before The Honorable U.S. District Court Judge Anne Traum on the merits of a § 2254 petition.

Deputy Attorney General Katrina Lopez was contacted regarding this request for an extension of time. Ms. Lopez had no objection to the request. Ms. Lopez's lack of objection should not be considered as a waiver of any procedural defenses.

This unopposed request is not filed for the purposes of delay, but in the interests of justice, as well as in the interest of Mr. Murphy. Thus, counsel for Mr. Murphy respectfully requests this Court grant the motion and order Mr. Murphy to file the opposition to the State's motion to dismiss no later than March 1, 2024.

Dated January 16, 2024.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ *Margaret Lambrose*

Margaret Lambrose
Assistant Federal Public Defender

IT IS SO ORDERED:

United States District Judge

Dated: January 16, 2024